37, 44; *The Pesaro,* 255 U. S. 216, 217; *Rosenberg Bros. & Co.* v. *Curtis Brown Co.,* 260 U. S. 516, 517. The proceeding, based on transactions had with the property involved in the principal suit, was in aid of that suit and of any decree which might be entered in it. It could be maintained, independently of the suit, either before or after the decree was entered, so long as it remained unsatisfied; and the appeal was not dependent upon an appeal from the decree. See *Root* v. *Woolworth,* 150 U. S. 401, 411; *Leman* v. *Krentler-Arnold Hinge Last Co., supra; Gompers* v. *Bucks Stove & Range Co., supra,* pp. 451-452; ~~*Independent Coal & Coke Co.*~~ v. *United States, supra.*

The petition for certiorari urged as a ground for granting it that the court below reversed on errors not assigned. It is true that the assignments erroneously described the order of the District Court as one sustaining a motion to quash the service of process, a mistake which may well have been induced by the inept use of language in the motion. But the assignments, despite their lack of clarity, are not incapable of being construed as asserting the grounds for reversal adopted by the court below and stated in this opinion. In any case, the court below was not precluded from reversing for errors appearing on the face of the record, even though unassigned. *McBride* v. *Neal,* 214 Fed. 966, 969; *United States* v. *Tennessee & Coosa R. R. Co.,* 176 U. S. 242, 256; cf. *Weems* v. *United States,* 217 U. S. 349; *Duignan* v. *United States,* 274 U. S. 195, 200. See also Rules 8 and 11, C. C. A. 5th; *Johnson Farm Loan Co.* v. *McManigal,* 288 Fed. 185, 186; *Grafton* v. *Meikleham,* 246 Fed. 737, 738, cert. den. 246 U. S. 665; *Jones* v. *Pettingill,* 245 Fed. 269, 273-274, cert. den. 245 U. S. 663.

Affirmed.

A true copy.

Test:

Clerk, Supreme Court, U. S.